

## UNITED STATES PATENT AND TRADEMARK OFFICE

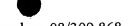


UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER OF PATENTS AND TRADEMARKS Washington, D.C. 20231 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/309,868	09/21/1994	HIDENARI YASUI	28	6704
7	12/10/2002			
,	EL, BOUTELL & TA	EXAMINER		
2026 RAMBLI KALAMAZO			SHERRER, CURTIS EDWARD	
			ART UNIT	PAPER NUMBER
			1761 DATE MAILED: 12/10/2002	27

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)				
	08/309,868	YASUI ET AL.				
. Office Action Summary	Examiner	Art Unit				
,	Curtis E. Sherrer	1761				
The MAILING DATE of this communication ap						
Period for Reply						
A SHORTENED STATUTORY PERIOD FOR REPL THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.1 after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a repl - If NO period for reply is specified above, the maximum statutory period - Failure to reply within the set or extended period for reply will, by statute - Any reply received by the Office later than three months after the mailin earned patent term adjustment. See 37 CFR 1.704(b).  Status	136(a). In no event, however, may  ly within the statutory minimum of t will apply and will expire SIX (6) M e. cause the application to become	a reply be timely filed hirty (30) days will be considered timely. DNTHS from the mailing date of this communication. ABANDONED (35 U.S.C. § 133).				
1) Responsive to communication(s) filed on <u>30</u>	September 2002 .					
, <u> </u>	his action is non-final.					
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is						
closed in accordance with the practice under						
Disposition of Claims						
4) Claim(s) 2-5 and 7-16 is/are pending in the application.						
4a) Of the above claim(s) <u>7-10</u> is/are withdrawn from consideration.						
7) Claim(s) is/are objected to.						
8) Claim(s) <u>2-5 and 11-16</u> are subject to restriction <b>Application Papers</b>	on and/or election requir	ement.				
9) The specification is objected to by the Examine	ar.					
10) ☐ The drawing(s) filed on is/are: a) ☐ acce		the Examiner				
Applicant may not request that any objection to the						
11) The proposed drawing correction filed on		disapproved by the Examiner.				
If approved, corrected drawings are required in reply to this Office action.						
12) The oath or declaration is objected to by the Examiner.						
Priority under 35 U.S.C. §§ 119 and 120						
13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).						
a) ☐ All b) ☐ Some * c) ☐ None of:						
1. Certified copies of the priority documents have been received.						
2. Certified copies of the priority documents have been received in Application No						
<ul> <li>3. Copies of the certified copies of the price application from the International But See the attached detailed Office action for a list</li> </ul>	ureau (PCT Rule 17.2(a)	).				
14) ☐ Acknowledgment is made of a claim for domest	tic priority under 35 U.S.	C. § 119(e) (to a provisional application).				
a) The translation of the foreign language pro	ovisional application has	been received.				
Attachment(s)						
<ol> <li>Notice of References Cited (PTO-892)</li> <li>Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>Information Disclosure Statement(s) (PTO-1449) Paper No(s)</li> </ol>	5) Notice	w Summary (PTO-413) Paper No(s) of Informal Patent Application (PTO-152)				



Application/Control Number: 08/309,868

Art Unit: 1761

## Election/Restrictions

This application contains claims directed to the following patentably distinct species of the claimed invention: applicants claim ozonating either I) aerated aqueous suspension withdrawn from the aeration tank or II) a part of the separated sludge.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 11 and 12 are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Application/Control Number: 08/309,868

Art Unit: 1761

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Curtis E. Sherrer whose telephone number is 703-308-3847. The examiner can normally be reached on Tuesday-Friday, 8AM-6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached on 703-308-3959. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3602 for regular communications and 703-305-3602 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

Curtis E. Sherrer Primary Examiner December 4, 2002